CLASSIFICATION OFFICE DECISION

Title of publication:	Item 5 - Drawing 4
Other known title(s):	Not stated
OFLC ref:	1500664.015
Medium:	Artwork
Distributor:	Not applicable
Country of origin:	New Zealand
Language:	Not applicable
Applicant:	Secretary for Internal Affairs
Classification:	Objectionable except if the availability of the publication is restricted to clinical staff employed by the National or Regional Intellectual Disability Secure Services for the purpose of the assessment and treatment of the person who created the publication.
Descriptive note:	None
Display conditions:	None
Date of entry in Register:	09 October 2015
Date of direction to issue a label:	No direction to issue a label has been issued
Date of notice of decision:	08 October 2015

Summary of reasons for decision:

The publication is part of a consignment of similar publications submitted by a Senior Inspector of Publications of the Department of Internal Affairs Censorship Compliance Unit. The publications consist of a large number of pencil drawings and two handwritten stories created by an inmate in secure care at a mental health institution. Each publication explicitly depicts or describes the sexual abuse of children or young persons. The publications are therefore deemed to be objectionable.

Section 23(3) of the FVPC Act allows a publication that would otherwise be classified as objectionable to be classified as a restricted publication in order that it may be made available to particular persons for professional purposes. The Department of Internal Affairs have requested that a condition be attached to the classification of each publication submitted to allow the material to be held by the National Intellectual Disability Secure Service for the purpose of

assisting with the assessment and future care of the inmate. The Classification Office has therefore classified each publication as objectionable except under the conditions requested.

The New Zealand Bill of Rights Act 1990 requires that classification decisions be reasonable and demonstrably justified. In this instance, a publication that would in any other circumstance be classified as objectionable is restricted to a particular class of persons for professional purposes. The Classification Office is satisfied that the limitation on the freedom of expression that this classification represents is a sufficient restriction.